

ATTACHMENT A**Remarks**

Considering the matters raised in the Office Action in the same order as raised, the withdrawal of the various objections to the specification and claims, and the rejection of claims 1-8 under 35 USC 112, second paragraph, is gratefully acknowledged.

Claims 1-4, 6 and 8-10 have been "provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. 10/251,987." The Examiner has stated that "[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because the inventive subject matter(s) directed toward a device (an actuator(s)) for actuating a seat element and a seat or set of sets which comprising an actuator which includes a transducer for supplying a measurement value of the transducer and calculating a corrected value of the position of the actuator, processing said corrected value and providing displacement of the seat element." While applicant does not necessarily agree with this rejection, and notes further that neither application has been allowed, in order to expedite the prosecution, a Terminal Disclaimer is submitted herewith in compliance with 37 CFR 1.321(c). As the Examiner has pointed out, such a Terminal Disclaimer may be used to overcome the provisional rejection here, based on a non-statutory double patenting ground, where, as here, the conflicting application is commonly owned with this application.

With the filing of the Terminal Disclaimer, it is respectfully submitted that this application is now in condition for allowance and such action is respectfully solicited.